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C O N F I D E N T I A L SECTION 01 OF 02 DHAKA 003690

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SUBJECT: STILL UNDER FIRE, ELECTION COMMISSION ADJUSTS
VOTER LIST PLANNING

Classified By: Acting Polecon Counselor David Renz; reason 1.4(d)

¶1. (U) SUMMARY. The Election Commission (EC) is trying to move forward with plans for the voter list in the wake of the Supreme Court decision which nullified the "fresh" enumeration. The EC was forced to backtrack on its plans to use some of the information gathered in the nullified enumeration, but has refused to budge so far on its insistence that it will not conduct a new door-to-door enumeration. END SUMMARY

CHANGE IN PLANS FOR THE VOTER LIST

¶2. (U) The EC is increasingly under fire in the press and from the opposition regarding its plans on how to implement the Supreme Court decision nullifying its "fresh" voter registration effort. With the opposition holding a "siege" of the EC's Dhaka headquarters and district offices on June 20, the election commissioners have found themselves at the center of the political disputes between the BDG and the Awami League-led 14-party coalition.

¶3. (U) On June 12 the EC decided on a series of steps to implement the Supreme Court decision. Several of the measures announced provoked criticism in the media and from former election commission members. The two most controversial measures were that the EC could use information gathered during the most recent ("fresh") enumeration that was overturned by the Court; and that it would not conduct a new door-to-door enumeration but instead would require people to submit changes in person to local election commission offices.

¶4. (U) On June 14 the EC backtracked, saying that it was canceling its decision to use information from the "fresh" enumeration. Acting Secretary of the EC Secretariat Mohammad Zakoria told the press this decision was taken "to avoid controversy and confusion." In spite of strong media criticism, however, the EC has maintained its decision not to go door-to-door again.

¶5. (C) Dr. Nazmul Kalimullah, chairman the NGO National Election Observation Council (JANIPOP), told PolOff that the main problem facing the EC was money. "The main motivation about using the draft voter list information and for not conducting a new door-to-door enumeration is fear of facing blame about wasting public money," he said. According to Dr. Kalimullah, the EC spent over \$5 million on the "fresh" enumeration and did not have the funds to go door-to-door again.

¶6. (C) On June 18 PolOff and USAID met with Election

Commissioner (and former Secretary of the Election Commission Secretariat) S.M. Zakaria to discuss the latest developments

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regarding the elections. Zakaria said that the EC, under pressure from the media, had decided not to use any information gathered during the recent enumeration process for the nullified "fresh" list. However, the forms would be kept on file so they could be used for "reference."

¶7. (C) According to Zakaria, the EC now plans to compile a supplementary list that will indicate all new voters, voters who have moved, and voters who have died since the last voter list was compiled in 2000. On polling day, the election workers will work off of two lists: the 2000 list with the names of deceased voters or voters who have moved crossed out; and the supplementary list with the new voters who have registered since 2000. When asked if this could cause problems or confusion on election day, Zakaria said that "election workers know how to do their jobs, they've done this many times in the past" and that working with the two lists would not be a big problem or create significant delays.

¶8. (C) Responding to the media's criticism that the EC is refusing to do another enumeration to register new voters, Zakaria said that they had already tried to do a new enumeration and the Court had overturned it. "We are very frustrated because we tried to get a 100 percent list and were stopped," he said. "We already went door-to-door once. If I go door-to-door three or four times, no one will open the door for me." He said that first-time voters will be able to register at 6,273 sub-district offices from July 1 to July 31, and that a public information campaign to inform people about where they would need to go was being prepared and would begin "within ten days." He added that there was

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no budget for the information campaign but that the EC would do it "on credit."

FRANK TALK ON THE EC'S CREDIBILITY PROBLEM

¶9. (C) Zakaria spoke about the image problem of the EC. He placed most of the responsibility on the media which he said "has gone crazy, spreading wild things -- purely political." He said that the EC was reluctant to engage the media more frequently until an outstanding contempt of court case against the EC was resolved.

¶10. (C) At the start of the meeting Zakaria expressed optimism that the EC still had enough time to prepare for the elections. However, when questioned further, his veneer of confidence began to give way to frustration. He complained about the Supreme Court, saying that its decision to nullify the "fresh" voter list had rendered him helpless and undermined his ability to fulfill his constitutional duties. When asked if there was anything the EC could do to repair relations with the media or improve its credibility with the public, he said it would be difficult. "This stupid government has lost all its friends," he told us. "This stupid government has made everyone angry." He added that he did not think the atmospherics would change until the Prime Minister stepped down and the caretaker government took over.

REDISTRICTING: YET ANOTHER LOOMING ELECTION CONTROVERSY?

¶11. (C) Another issue that JANIPOPOP's Dr. Kalimullah raised with PolOff was the need for the EC to conduct a new "delimitation" (redistricting) exercise. According to Dr. Kalimullah, the EC is required by law to conduct a new delimitation of constituency borders every ten years, upon submission of census data to the EC, which has not yet happened.

¶12. (C) When PolOff and USAID raised this issue with Election Commissioner Zakaria, he confirmed that this could become another controversy. He said that the EC conducts delimitations once they receive the census information, but that they had not yet received the census data. If the data is received close to the elections, leaving little time to act, it will create additional problems.

COMMENT

¶13. (C) In addition to the political pressures they are facing the commissioners have two practical problems: they are running short of funds and time. Both will be a problem if the EC is forced to buckle to critics and conduct a new door-to-door enumeration. As an experienced election organizer, Zakaria thinks that the money will eventually come through, but that the time issue could create serious logistical problems.

¶14. (C) The lack of a new enumeration also leads to potential problems. New voters since 2000 could be left off the list and dead voters will probably remain on it. This affects both the BNP and the AL. Having dead or "ghost" voters on the list does not harm either party -- indeed, both parties have taken advantage of these "extra" voters in previous elections. However, the BNP and AL also want as many of their new members registered as possible, and if the EC continues to refuse a new door-to-door enumeration, this could leave many of those names off the list. This may explain why certain BDG and BNP officials, including Law Minister Moudad Ahmed, have begun expressing agreement with certain AL critiques of the EC.

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